

(3)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK FORCE KESTING,

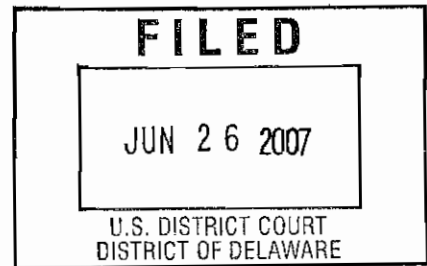
Defendant.

REDACTED

Criminal Action No. 07- 94-UNA

**INDICTMENT**

The Grand Jury for the District of Delaware charges that:

**Counts 1 - 4**

From on or about November 3, 2006, through on or about March 28, 2007, in the District of Delaware, Frank Force Kesting, the defendant, knowingly received and attempted to receive child pornography, that is, computer generated visual depictions in the form of computer files which are of minors engaged in sexually explicit conduct, specifically, actual and simulated sexual intercourse and the lascivious exhibition of the genitals and pubic area, which child pornography had been transported in interstate and foreign commerce by computer, the dates being described more particularly, as follows:

<b><u>Count</u></b>	<b><u>Date Received</u></b>
1	November 3, 2006
2	January 20, 2007
3	February 6, 2007
4	March 28, 2007

in violation of Title 18, United States Code, Section 2252A(a)(2) and (b)(1).

**Count 5**

On or about January 20, 2007, in the District of Delaware, Frank Force Kesting, the defendant, knowingly transported and attempted to transport by computer in interstate and foreign commerce child pornography, that is, computer generated visual depictions in the form of computer files which are of minors engaged in sexually explicit conduct, specifically, the lascivious exhibition of the genitals and pubic area, in violation of Title 18, United States Code, Section 2252A(a)(1) and (b)(1).

**Count 6**

On or about March 29, 2007, in the District of Delaware, Frank Force Kesting, the defendant, knowingly possessed a computer hard drive and other digital storage media that contained images of child pornography, that is, visual depictions which are of minors engaged in sexually explicit conduct, specifically, actual and simulated sexual intercourse and the lascivious exhibition of the genitals and pubic area, which child pornography had been transported in interstate and foreign commerce and which had been produced using materials which had been transported in interstate commerce, in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2).

**Count 7**

On or about November 3, 2006, in the District of Delaware, Frank Force Kesting, the defendant, knowingly received and attempted to receive visual depictions, that is, a computer video file, that depicts computer images that are or appear to be of a minor engaging in graphic sexual intercourse, and that lack serious literary, artistic, political, or scientific value, which images had been transported in interstate and foreign commerce by computer, and which images had been produced using materials that had been shipped and transported in interstate or foreign commerce, in violation of Title 18, United States Code, Sections 1466A(a)(2)(A) and (B), and 2252A(b)(1).

**Count 8**

On or about March 29, 2007, in the District of Delaware, Frank Force Kesting, the defendant, knowingly possessed visual depictions, that is, computer files, that depict computer images that are or appear to be of minors engaging in graphic sexual intercourse, and that lack serious literary, artistic, political, or scientific value, which images had been transported in interstate and foreign commerce by computer, and which images had been produced using materials that had been shipped and transported in interstate or foreign commerce, in violation of Title 18, United States Code, Sections 1466A(b)(2)(A) and (B), and 2252A(b)(2).

A TRUE BILL:

\_\_\_\_\_  
Foreman

COLM F. CONNOLLY  
United States Attorney

By: Christopher J. Burke  
for Edmond Falgowski  
Assistant United States Attorney

Dated: June 26, 2007